

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESale PRICE  
LITIGATION

)  
) MDL NO. 1456  
) Civil Action No. 01-12257-PBS  
) Subcategory No. 07-12141

THIS DOCUMENT RELATES TO:

*State of Iowa*

v.

*Abbott Laboratories Inc., et al.*

)  
) Judge Patti B. Saris  
)  
)  
)  
)

**MAY 2010 STATUS REPORT FOR THE STATE OF IOWA**

The undersigned counsel for the State of Iowa (hereinafter referred to as “plaintiff”) hereby submits the attached Status Report for May 2010, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: May 3, 2010

Respectfully submitted,

**KIRBY McINERNEY, LLP**  
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New York, New York 10022  
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By: /s/ Joanne M. Cicala

Joanne M. Cicala  
Kathryn B. Allen

*Counsel for the State of Iowa*

**May 2010 Status Report for the State of Iowa**

**Discovery**

**1. Schering's Motion for a Protective Order**

On March 5, 2010, defendant Schering filed a motion for protective order and to quash a notice of deposition served by plaintiff on March 1, 2010. *See* Docket No. 6964, Sub-docket 70; Docket No. 6965, Sub-docket 71.

On March 26, 2010, plaintiff filed its opposition to defendant Schering's motion for protective order. *See* Docket No. 7009, Sub-docket No. 73. This motion remains *sub-judice*.

**Voluntary Dismissal of Claims**

On April 15, 2010, the court entered an order granting plaintiff's voluntary dismissal of claims against defendants Bayer Corp. and Bayer Pharmaceuticals Corp. *See* Docket No. 7054, Sub-docket 79.

On April 29, 2010, the court entered an order granting plaintiff's voluntary dismissal of claims against defendant Ethex Corporation. *See* Docket No. 7083.

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on the 3rd day of May, 2010, she caused a true and correct copy of the above May 2010 Status Report for the State of Iowa to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: May 3, 2010

/s/ Kathryn B. Allen  
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